

# Order

Michigan Supreme Court  
Lansing, Michigan

June 20, 2006

Clifford W. Taylor,  
Chief Justice

ADM File No. 2003-59

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

Proposed Amendment of  
Rules 2.112 and 7.206 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering amendments of Rules 2.112 and 7.206 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [www.courts.michigan.gov/supremecourt](http://www.courts.michigan.gov/supremecourt).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

## Rule 2.112 Pleading Special Matters

(A)-(G) [Unchanged.]

(H) Statutes, Ordinances, or Charters. In pleading a statute, ordinance, or municipal charter, it is sufficient to identify it, without stating its substance, except as provided in subrule (M).

(I)-(L) [Unchanged.]

(M) Headlee Amendment Actions. In an action alleging violation of Const 1963, art 9, §§ 25-34, the factual basis for the alleged violation must be stated with particularity. All statutes involved in the case must be identified, and copies of all ordinances and municipal charter provisions involved, and any documentary evidence supportive of a claim or defense, must be attached to the pleading.

## Rule 7.206 Extraordinary Writs, Original Actions, and Enforcement Actions.

(A)-(C) [Unchanged.]

(D) Actions for Extraordinary Writs and Original Actions.

- (1) Filing of Complaint. To commence an original action, the plaintiff shall file with the clerk:
  - (a) for original actions filed under Const 1963, art 9, §§ 25-34, 5 copies of a complaint (one signed) that conforms to the special requirements of MCR 2.112(M), and which indicates whether there are any factual questions that must be resolved; for all other extraordinary writs and original actions, 5 copies of a complaint (one signed), which may have copies of supporting documents or affidavits attached to each copy;
  - (b)-(d) [Unchanged.]
- (2) Answer. The defendant or any other interested party must file with the clerk within 21 days of service of the complaint and any supporting documents or affidavits:
  - (a) for original actions filed under Const 1963, art 9, §§ 25-34, 5 copies of an answer to the complaint (one signed) that conforms to the special requirements of MCR 2.112(M), and which indicates whether there are any factual questions that must be resolved; for all other extraordinary writs and original actions, 5 copies of an answer to the complaint (one signed), which may have copies of supporting documents or affidavits attached to each copy.
  - (b)-(c)[Unchanged.]
- (3) [Unchanged.]

(E) [Unchanged.]

Staff Comment: The proposed amendments establish special pleading requirements in actions alleging a violation of the Headlee Amendment, Const 1963, art 9, §§ 25-34. The amendments require that a complaint or answer state the factual basis for an alleged violation or defense with particularity. Additionally, documentary evidence supportive of a claim or defense must be attached to the pleading as an exhibit.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201.

Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by October 1, 2006, at P.O. Box 30052, Lansing, MI, 48909, or [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). When filing a comment, please refer to file ADM File No. 2003-59. Your comments and the comments of others will be posted at [www.courts.michigan.gov/supremecourt/resources/administrative/index.htm](http://www.courts.michigan.gov/supremecourt/resources/administrative/index.htm).



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 20, 2006

*Corbin R. Davis*  
Clerk